



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
P.O. BOX 944226
SACRAMENTO, CA 94244-2260

INFORMATION: (916) 323-9020 FAX: (916) 445-8893 INTERNET: www.barbercosmo.ca.gov



**Board of Barbering and Cosmetology
Doubletree Hotel San Jose
2050 Gateway Place
San Jose, CA 95110**

MEETING OF THE LICENSING AND EXAMINATION COMMITTEE

MINUTES OF NOVEMBER 14, 2004

COMMITTEE MEMBERS PRESENT:

Dr. Della Condon, President
Richard Hedges
Frank Lloyd

STAFF MEMBERS PRESENT:

Terresa A. Ciau, Executive Officer
Albert Balingit, Staff Counsel
Kristy Underwood, Administrative Analyst
Kelly Schmidt, Staff

COMMITTEE MEMBER ABSENT:

Joe Gonzalez, Vice President
Kim McInnes

- **Agenda Item #1, CALL TO ORDER/ROLL CALL**

Dr. Condon called the meeting to order at 1:00 p.m. Members introduced themselves and briefly described their backgrounds.

- **Agenda Item #2, COMMITTEE MEETING MINUTES**

The draft of the minutes of the meeting of June 13, 2004 needed to be approved. It was noted a quorum was not present to pass the minutes at this time. The item was tabled to a future meeting. Dr. Condon made the following suggestions to the minutes: Page 2, paragraph 2, drivers license should be social security number.

- **Agenda Item #3, REPORT ON THE INSTRUCTOR STANDARDS TASK FORCE**

Dr. Condon noted the task force has been very busy and has received a lot of input. She recapped the meeting of September 12, 2004. Many of the task force agreed a 12th grade education was important for an instructor, that they have a valid license. Having a separate esthetician and manicuring license was also discussed by the task force. 10 months of practice

for a teacher's assistant, a provisional license. 1 year of practice as a barber within 3 years preceding the instructor application. Pass the instructor exam. Other qualifications discussed included 600 hours of instruction in addition to current practical requirements. She noted the consensus of opinion that the certification should be maintained, the cert process was a good way to create entry into the industry. However, further discussion noted the certification process should include education beyond the actual certification process. Also discussed was the ratio of certified instructors to licensed instructors (licensed instructors are needed to role model and teach). The task force agreed any qualifications for instructors have to be realistic. There was strong consensus the certification for incoming be combined with the 600 hours of instruction that would culminate in an exam at the end of the two year period. She noted the recommendations of the task force will be coming to the Board for review and approval. Other ideas discussed include certification simplification, incremental requirements, recognizing teaching competencies and experience, three years of comprehensive training required, continuing education (both internal and external), training should include interpersonal and communication skills. A representative from the Bureau of Private Post-Secondary and Vocational Education attended the meeting and stated they would support any standards.

Dr. Condon will present the findings of the task force at the Board meeting on November 15th, and staff will begin to work on draft language for future public comment. She encouraged the public to review the draft and provide their input. She noted over 1,000 instructors have given their input thus far.

- **Agenda Item #4, 2004-2005 STRATEGIC PLAN OBJECTIVES**

- A. Apprentice Program Discussion**

Ms. Underwood gave a brief overview of the memorandum prepared by staff regarding the apprenticeship program. A review of the program is required by SB362. A meeting has been held with the Division of Apprenticeship Standards (DAS) to discuss the cross-over regulations. Future meetings will be held. Processes and procedures are being reviewed to improve the apprenticeship process. Staff presented three alternatives including the forming of a task force to look at the apprenticeship issue, or a member of the Committee to work with staff to continue review with DAS and the internal review of the procedures.

Dr. Condon commended Mr. Paul Cobb for the clarity and thoroughness of the report.

Mr. Lloyd recommended one member of the committee work with staff. Staff anticipated two to three meetings. All recommendations will come back to the Board for approval and public comment. The report is due to the Legislature by September 1, 2005. Mr. Hedges expressed his concerns over health and safety. Both Mr. Hedges and Mr. Lloyd agreed to work with staff. Dr. Condon recommended Jerry Tyler, an industry member, be part of the process. Mr. Tyler agreed. A motion was made that Mr. Jerry Tyler serve as liaison to the task force. A second was made and passed by a unanimous vote of the committee.

Mr. Red Carter addressed the Board. He was a past participant of the Statewide Apprenticeship Committee. He believed including Mr. Tyler was a good suggestion, but felt he represented only a portion of the industry. He strongly suggested adding more laypersons to be part of the task

force, including himself. The committee agreed and upon their request, Mr. Carter agreed to be on the task force.

Mr. Tyler discussed his own background with the apprenticeship program.

The original motion was amended to include Mr. Carter and Mr. Tyler on the task force. The motion was seconded and passed by a unanimous vote.

Dr. Condon asked staff if there is a preapplication process for the apprenticeship program. She also asked if the application process is moving more quickly.

Ms. Ciau stated that currently there is not a preapplication process in place for the apprenticeship program at this time, but that it is in the strategic plan. She also indicated that the application process is moving more quickly and improving.

Dr. Condon expressed her concerns about compulsory travel placing an economic hardship on the apprentice. Mr. Hedges expressed concerns over consistency in supervision and enforcement leading to apprentices being taken advantage of.

Mr. Tyler discussed the requirement of multiple locations and implications of ratio of instructor to apprentice. Corporations offer structure, accountability and varied training. Mr. Carter talked about past practices of apprentices requesting a transfer.

A member of the public noted an apprentice can sign up with two different trainers. Staff replied that an apprentice must sign up with one main instructor.

B. Analysis and Recommendations of the use of Fingerprint Cards for Background Investigations of Applicants

SB362 requires the Board to review the use of fingerprint cards. Ms. Ciau noted this Board is one of the few regulatory agencies not using fingerprint cards. In reviewing this process, staff found the current process is the applicant answers questions on the application about whether or not they have a criminal conviction. This is a self certification, with no ability by the Board to check this. If the applicant answers yes to this question, the enforcement program does further research. This impacts the enforcement program to accomplish this long manual process. It was described as a hit and miss process. Staff is recommending legislation to support the Board by amending Section 144 to allow the board to request fingerprint processing to do criminal conviction reviews of applicants. It was estimated this would be a two year process. Staff estimates the cost to be \$53,000, to have a direct link to the Department of Justice to expedite the process. The applicant will be responsible for the fingerprinting fee. Staff efficiency will increase with less manual tasks. At this point, only new applicants will be fingerprinted, not renewal applicants.

Dr. Condon noted the enforcement of unlicensed practices will be enhanced with the fingerprinting required upon renewal. Mr. Hedges agreed anything that reduces fraud and aids enforcement is important. He noted more inspectors are also needed.

Mr. Carter expressed his support for the fingerprint requirement. Mr. Tyler questioned the backlog the fingerprinting requirement would create. Mr. Edwards suggested getting beauty schools involved; continuing education needs to be encouraged. Beauty schools are a liaison to the Board for the public.

Belinda Silva suggested utilizing the website for questions and comments. Ms. Ciau noted the online complaint form does exist on the website. Ms. Ciau noted thousands of complaints forms have been sent out and only 1,500 were received back last year.

Fred Jones called for change in the inspectors motives from monetary fines to education and awareness. Thus, schools are wary of inviting inspectors to observe their programs.

Various public members noted applicants are now waiting quite some time and fingerprinting would speed up the process. Selling of proof of trainings would decrease.

Mr. Hedges noted he would like to see a link between the city license and salon license to where someone could not get a city business license until they had a salon license.

Mr. Jones spoke on the requirement of independent contractors to have a business license. Mr. Carter noted there are cities that are collecting city tax from independent contractors.

A motion was made and seconded to support staff's recommendation on moving forward with the requirement of fingerprinting. The motion passed by a unanimous vote.

- **Agenda Item #5, TEXTBOOK APPROVAL RECOMMENDATIONS**

Dr. Condon noted she has received several requests from textbook publishers about the textbook approval process. She hoped the members of the board could be provided with copies of textbooks currently approved. Staff will research.

Ms. Ciau gave a brief background of the current textbook approval process, i.e., subject matter experts reviewing the proposed textbooks.

Sandra Bruce of Milady Thomson Delmar Learning, publisher, spoke to the board. She noted the publishers are not licensed cosmetologists. They utilize experts in the field who advise them on new procedures and techniques, etc. and admitted some things are subjective. She noted in a 1000 page textbook, the error rate is 7%. Ms. Bruce noted she would welcome the textbook approval committee's input.

Mr. Carter reiterated the answer to every question should be in one book the committee approves.

Dr. Condon explained the problem was the current textbook has been updated but the exam has not been so the exam questions are based on the old edition, which is no longer available. Instructors currently need to copy parts of the old book for their students. There was a motion made and seconded to support Option #A with the change that they be presented and approved by the full board. The motion passed with a unanimous vote.

- **Agenda Item #6, PUBLIC COMMENT**

Jim Edwards noted a consensus was not presented from the instructor task force committee.

Fred Jones expressed his concern about instructor minimum qualifications. His points included: the process of the recommendations to go before the board, the voluntary instructors license program and its components are to sunset January 1st, heightened requirements leading to decline in beauty schools. Higher requirements upon instructors do not necessarily increase passing rate. A discussion of legislative action ensued.

An unidentified female of Skyline College noted her instructors have their license and instructors license. Higher requirements would put a big burden on her instructors. They teach because they want to teach.

David Galang from Skyline College noted his concern over teachers' experience not being taken into account when requiring them to get higher degrees.

Juana Hernandez from Santa Barbara City College commented that the majority of schools go out of business due to misuse of Federal funds.

Romero Vermosoto noted his enrollment has decreased because of the heightened regulations.

Jerry Tyler noted the private versus public schools graduates bring different aspects to the profession. He has lost apprentices because the students feel they need an AA degree from the community college. He noted it is better to have more choices available for the students.

Dr. Condon discussed the issue of teachers licensing as brought up by the public. It embodies knowledge of the profession and how you communicate information. Not everyone can do it. A great hairdresser cannot always be a great teacher. Schools setting voluntary standards is not feasible as not all schools have the same standards required for the student to be taught appropriately and pass their exam.

Mr. Lloyd questioned whether the private schools have a required passing rate. Dr. Condon stated that the requirement is not in place at this time. However, she believed they may lose their federal funding if they do not stay above a 33% passing rate.

Mr. Carter noted his region has a 94% passing rate. His focus is can they earn a living when they go into the field.

Dr. Shelton thanked the Board for keeping the standards high.

Patricia Wright expressed her concerns about not being taught certain procedures. Dr. Condon referred her to her instructor.

- **Agenda Item #7, AGENDA ITEMS FOR NEXT MEETING**

Dr. Condon recommended the committee take the staff's recommendations for future agenda items. The next meeting will include fingerprint status, apprenticeship program status, cost benefits, same day licensing status, aggregate scoring, draft report to the legislature, extern program status, process improvements status, licensure by endorsement status, personnel status, performance measure status, preapplication apprentice-obtain input. Textbook review also needs to be discussed. There was a consensus by the committee to accept staff's recommendations for the next agenda.

- **Agenda Item # 8, ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:30 p.m.